October 1949 to 5th November 1949 and was struck off the Rolls under standing order 18 (f). The story told by the Association is that this man went to his village near Malur on a holiday and there suddenly took ill. He sent word with his brother to the Management that he was ill and after his recovery at the end of 12 days he reported himself for duty and produced a Medical Certificate. The Management however declined to take him back on the ground that he had already been struck off the Rolls. The production of the certificate is not capable of verification. Mr. J. I. T. Dickson says that prior to this this man had been found to be negligent in his duties on three occasions and caught sleeping on two occasions, and that warnings on those occasions had no effect on him whatever. In the circumstances he was not prepared to take him back as a watchman but he was willing to re-employ him in some job as soon as there was a vacancy. The Association says that the alleged warnings are not on record and that the offer now made by the Superintendent was unacceptable to it.

It is convenient to deal with notices (2) and (3) together according to the Association, Maridoss, T. No. 188, was employed as Sawyer when the company installed the Circular Saw Mill. Rajee, T. No. 25, on recruitment, was posted to the Mill as Assistant Sawyer to assist Maridoss. Things were going on satisfactorily till the management appointed Chinnakannu, a watchman, known to be a notorious drunkard, as the second assistant to Maridoss. Some time later, on some pretext or other, Chinnakannu was made to supersede Maridoss and the latter asked to work under him. Simultaneously, Rajee was transferred from the Saw Mill to work in the Red Clay Section. Being a literate man with previous military service, Rajee showed resentment when called upon to do such a degrading work as preparing clay. This provided an excuse for the management to dismiss him. On the following day, Maridoss was forced to resign, and the letter of his resignation was written by a clerk in the presence of the Manager who compelled Maridoss to sign it. The management, on the other hand, give altogether a different version of the story. Rajee was taken as General Purpose Labour, on the recommendation of the Foreman. But he repeatedly disobeyed the orders of the Manager and refused to do the work allotted to him. His persistent refusal was the subject matter of an enquiry by the Superintendent before whom also he declined to work as general purposes labour. Thereupon the Superintendent offered him 13 days' wages in lieu of notice and discharged him. As regards Maridoss he had been declared medically unfit to work in the Mines and subsequently posted to the Circular Saw Section. Rajee was his assistant for some time. The work here became so bad that the management were forced to put Chinnakannu in charge of the operations. For some time, Maridoss worked as Chinnakannu's assistant, but there was continuous friction. On the day following the discharge of Rajee, Maridoss of his own accord, volunteered to resign, and was discharged. The reason he has given in his letter of resignation is that he found the work in the Saw Section too taxing. The management, however, are prepared to take him back and give him some suitable job as soon as a vacancy occurs.

Summing up, the position is that the management are willing to take back Rahim Khan and Maridoss, and give them suitable jobs as soon as vacancies occur. But the Association is not satisfied with such vague promises. Besides it wants that Rajee also should be re-employed. On this point the management was not prepared to yield.

Coming to the fourth notice of change the second demand relating to the setting up of Works Committees was withdrawn by the Association. The first demand relates to grant of a bonus equal to six months' wages for the year 1948. The case for the Association is that the audited Balance Sheet of the company shows that the net profit earned during that year was about Rs. 40,000 out of which Rs. 31,000 was distributed as dividends to shareholders. This works out at 35 per cent of paid up capital against 25 per cent in the previous year. The company has earned huge profits and given high dividends. It ought not to grudge to give a fair share of the profits in the shape of bonus. The management, however, point out that the production in the factory has progressively gone down while the costs have considerably risen. The per capita production has fallen from 1800 bricks to 1,100 bricks in the last two years. The profit during 1949 is not expected to be more than one-half of what it was in the previous year. The company has a heavy capital programme. Unless improved methods are introduced it is certain that the company will cease to make any profit. As it is, the manufacturing costs are so high that the company is fast losing its old customers. As against Rs. 31,000 paid to shareholders, more than Rs. 19,000 was incurred in providing amenities to labour such as a Canteen, half pay and dearness allowance for the period of play off, shower bath, sanitary latrine, etc. The reply of the Association is that this is not a thing to boast about, as, such amenities are provided in all modern factories. It considers the offer of half month wages as bonus as utterly inadequate.

Finally, I found that it was not possible to effect compromise between the parties on the points in dispute. The result was failure in all the four cases which I report under Section 12(4) of the Act.

Yours faithfully,

K. SUBBA RAO,
Chief Conciliator.

1223

Dated 18th May 1950.

No. L.S. 448—L.W. 29-50-18. In pursuance of sub-section (4) of Section 12 of the Mysore Labour Act, 1942 (Act XIII of 1942), His Highness the Maharaja of Mysore is pleased to direct the publication of the accompaning Report of the Chief Conciliator in Mysore, Bangalore, in respect of failure of Conciliation Proceedings in the dispute between the Oorgaum Mine Labour Association and the Management in regard to two Notice of Change given by the Association to the Management, putting forth certain demands.

By Order of His Highness the Maharaja.

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

1247

OFFICE OF THE CHIEF CONCILIATOR IN MYSORE, BANGALORE.

Dated 5th May 1950.

CAMP OORGAUM.

Nos. C. C. 38—48 and 57—49.

To

The Secretary to the Government of Mysore,
Law Department,
Bangalore.

Sir,

Subject :—*C. C. Nos.* 38—18-49 *and* 57—49-50.

The above disputes arose out of two notices of change given by the Oorgaum Mine Labour Association to the Management. The first notice dated 16th May 1949 relates to the dismissal of the under-mentioned workers as a result of a general strike which continued for two months in February and March 1949 :—

(1) C. Pancreas, T. No. 4006, Assistant Foreman
(2) Chandran T. No. 1476, Timber Maistry
(3) Chellamuthu, T. No. 836, Fire Petrol Maistry
(4) Chinnappan, T. No. 806, Timber Maistry
(5) Abdul Khudus, T. No. 48—1, Tramming Maistry
(6) Thangaraj, T. No. 83—21, Timber Maistry
(7) Govindaswamy, T. No. 1055, Timber Maistry
(9) Gopal, T. No. 2599—31, Timber Maistry
(9) Khandan, T. No. 581, Tramming Maistry
(10) C. Francis, Printing Press
(11) Ponnuswamy, T. No. 168—1, Machine Coolly

The second notice of change, dated 21st December 1949 relates to the dismissal of V. Knopuswamy, Hammer-man T. No. 234, Blacksmiths Shop.

Efforts of the Assistant Commissioner of Labour, Kolar Division, to bring about a settlement having failed, the disputes were referred to me by the Commissioner of Labour for initiating conciliation proceedings under Section 10 (3) of the Mysore Labour Act.

Conciliation proceedings were held to-day in the Guest House, Oorgaum, when Mr. Peter Best, Superintendent of the Mines, represented the Management while the Association was represented by its President and Assistant Secretary.

First notice of change.

Neither the Management nor the Association is in a position to say who Ponnuswamy No. (11) is. He has not been identified and the Association is not pressing his case. C. Francis, No. (10) is an employee in the Oorgaum Press in which there was no strike. Francis was the one man who took part in the general strike and stayed away till the general strike ended. He was dealt with under Standing Order No. 22 (k) and his services terminated in the usual course. The representatives of the Association say that he was living in the mining area and was unable to escape the vigilance of

the strikers. He had been warned by the President that if he attempted to attend the Press he was likely to be assaulted. In the circumstances it was not possible for him to attend the Press while the general strike was in progress. Mr. Peter Best, however, says that this is merely an afterthought. There was definite evidence that this man had taken part in the strike and that there were other people employed in the Press who lived like him amidst strikers but nevertheless managed to attend the Press.

As regards the remaining persons the Association contends that only these people out of many thousand strikers had been dismissed simply because they happened to be the most active workers of the Association. On examination, however, it is found that out of a total of 30 persons who are members of the Executive Committee only 5 people have been dismissed. Mr. Peter Best states that there was definite proof that these people were the prime instigators of the strike. He cannot for a moment entertain the idea of reinstating them.

Second notice of change.

According to the Management, Hammer-man, Kuppuswamy was caught red-handed with a piece of stolen rail and was dismissed as a result of enquiry, under Standing Order 22 (d). This man and one other were found by a Punjabi watchman cutting a piece of steel rail near the dump. At the approach of the watchman the other man ran away while Kuppuswamy was caught. A large number of people collected and there was confusion. The watchman let Kuppuswamy go and reported the matter to the Foreman, Lakshamaiah. Next morning there was an identification parade. Kuppuswamy attempted to avoid it but was later on discovered in some other place where he ought not to have been and identified by the watchman. An enquiry followed resulting in his dismissal on the 8th December 1949. The Association points out that this man has a clean record, and that the proof of theft against him is not quite convincing. Mr. Peter Best, however, says that the Management has no reason to distrust the evidence of the watchman whom they have always found to be reliable. In the circumstances the company is not prepared to re-employ Kuppuswamy on the Mines. Thus the attempt at conciliation in both the cases failed and I report the failure under Section 12 (4) of the Act.

Yours faithfully,

K. SUBBA RAO,

Chief Conciliator.

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